

## Wyoming Administrative Rules

# Education, Dept. of

## General Agency, Board or Commission Rules

### Chapter 41: Distance Education

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## Chapter 41

### Distance Education

**Emergency rules are in effect no longer than 120 days after filing with the Registrar of**

#### **Rules.**

**Section 1. Authority.** These rules are promulgated by the Wyoming Department of Education in consultation with the Wyoming State Board of Education under the authority of W.S. § 21-2-202(a)(xxxi) and W.S. § 21-13-330.

**Section 2. Purpose and Applicability.** These rules are intended to provide a uniform and understandable process for all virtual education courses offered by Wyoming school districts or from which academic credit will be transferred to or accepted by a Wyoming school district. The provisions of this Chapter shall apply to all virtual education courses offered by Wyoming school districts virtual education courses from which academic credit will be transferred to or accepted by a Wyoming school district.

**Section 3. Definitions.** For purposes of all virtual education courses offered by Wyoming school districts or from which academic credit will be transferred to or accepted by a Wyoming school district the following definitions shall apply:

(a) “Active Virtual Education Course” means any virtual education course that has students currently enrolled;

(b) “Bridge” means to connect multiple video units into one conference call using a telecommunications network device;

(c) “Course sections” means simultaneous instances of a course offering with a unique student enrollment;

(d) “Department” means the Wyoming State Department of Education as created by W.S. § 21-2-104;

(e) “Local Board” means the educational governing body established at each Wyoming school district in accordance with W.S. § 21-3-101;

(f) “Memorandum of Understanding (MOU)” means a signed documented agreement between districts outlining fees paid for a class or education program, educational support provided to the student(s), required training, and conflict resolution policy;

(g) “Nonresident district” means the school district in which a participating student does not reside but which employs the virtual education program teacher and which sponsors, approves, facilitates and supervises the virtual education program course material provided to the participating student;

- (h) “Program” means one or more virtual education courses;
- (i) “Resident district” means the school district in which the participating student resides and receives virtual education program instruction;
- (j) “State Board” means the Wyoming State Board of Education as created by W.S. 21-2-301 (a);
- (k) “Student” means a resident of Wyoming as described in W.S. § 21-4-102;
- (l) “Synchronous” means instruction delivered by the instructor and received by the student concurrent in time;
- (m) “Virtual Education” means instruction primarily through technology outside of the physical classroom in the statewide educational program prescribed by W.S. 21-9-101 and 21-9-102 and accredited by the state board under W.S. 21-2-304(a)(ii);
- (n) “Virtual education program provider” means a Wyoming school district, a consortia of school districts, a Wyoming post-secondary institution, or an out-of-state institution that delivers a virtual education program;
- (o) “Wyoming Switchboard Network (WSN)” means an approved network of virtual education programs that meet state-established guidelines for course content and delivery.

#### **Section 4. Process to Join the Wyoming Switchboard Network (WSN).**

- (a) For School Year 2017-2018 and each year thereafter, prospective virtual education program providers shall submit a letter of intent to the Department by May 1 applying to add its virtual education program(s) to the WSN and to be considered for the succeeding school year. The letter of intent shall provide:
  - (i) A virtual education program overview that describes general information such as the program’s title, administrative contacts, method(s) of delivery, maximum allowed student to teacher ratios and instructor’s course load, and proposed course offerings and capacity; and,
  - (ii) A signed assurance statement maintaining that the virtual education program possesses the necessary financial, personnel, and technical infrastructure capacity to effectively operate.
- (b) After verifying the Department approved accreditation of the school(s) and district(s) proposing to provide the virtual education program, the Department may approve the letter of intent based on the information provided in the virtual education program overview or request necessary changes before proceeding.
- (c) After the approval of the letter of intent, the prospective virtual education program provider shall submit a WSN program application created from Department approved templates and in accordance with any virtual education program guidelines published by the

Department. The WSN program application shall provide:

- (i) A course evaluation narrative that describes:
  - (A) The method(s) of course procurement; and,
  - (B) Procedures for course evaluation.
- (ii) A student accountability narrative that details:
  - (A) The enrollment requirements of the student;
  - (B) The pre-enrollment consultation, to include:
    - (I) A process to verify that the virtual education course(s) is appropriate to the learning capabilities of the individual student; and,
    - (II) Required virtual education training, simulations, readiness surveys, or experience prior to the start of class(es);
  - (C) The anticipated roles and duties of the school in which the student is enrolled, specifically with regard to the instructional support that assists the student and monitors their progress throughout the duration of the virtual education course(s);
  - (D) The virtual education program provider administrators' and instructors' accountability for monitoring student performance; and,
  - (E) An intervention plan to assist any student not performing satisfactorily or failing to achieve required progress.
- (iii) An instructor accountability narrative that details:
  - (A) The professional development opportunities available to instructors, to include:
    - (I) Pre-service components which shall be required of all instructors that possess no previous experience teaching within the virtual education medium of their currently assigned course(s). These pre-service components shall be completed prior to the beginning date of the course(s) assigned to that instructor; and,
    - (II) Ongoing components of the professional development process required of all virtual education instructors, such as, just-in-time training and resources, available support materials, coaching or mentoring systems, and other professional learning communities;
  - (B) Continual evaluation process of the professional development program(s) that ensure the continuous improvement of the program(s) quality and overall value; and,

(C) Instructor performance expectations and methods of evaluation to determine and, if necessary, improve the critical aspects of virtual education pedagogy.

(iv) A partnership plan narrative that describes the expectations and requirements the virtual education program provider will have for the district in which the student is enrolled, and how the virtual education program provider will coordinate the proper support and training for district personnel.

(d) Approval of the WSN application shall be determined by the Department in consultation with the local board of the district submitting the application. The Department may require necessary corrections or improvements before final approval of the WSN program application.

(e) After the approval of the WSN program application, the virtual education program provider shall provide a credit course application for each proposed course, created from Department approved templates, that consists of:

(i) General course information that includes basic details such as the title, description and syllabus, suggested grade level(s), subject area, course calendar outlining any synchronous requirements, and course delivery method;

(ii) A course scope that outlines the topics, objectives, assessments, and other mandatory benchmarks presented throughout the coursework;

(iii) The contact time and methods of contact required by the student in order to successfully complete the course;

(iv) Course participation requirements which shall define the expectations for the interaction of any student enrolled in the course with the virtual education course, and which shall be measurable and able to be recorded and verified by the teacher of record;

(v) The measurable participation elements that are required in order to successfully complete the course;

(vi) A course standards alignment that documents which Wyoming Content and Performance Standards are addressed by each course;

(vii) Course quality documentation that demonstrates the course meets or exceeds the appropriate Department approved standards/guidelines pertaining to virtual education course delivery methods; and,

(viii) The amount of tuition for the course if it is available for single course purchase.

(f) Approval of each credit course application shall be determined by the Department. Necessary corrections or improvements shall be required before final approval of each credit course application.

(g) A Wyoming post-secondary virtual education program may apply for membership to the WSN by submitting a program overview that describes general information such as the program's title, administrative contacts, and method(s) of delivery.

(h) A Wyoming school district that accepts credits from an out-of-state virtual education program provider may apply for membership to the WSN. A district that collaborates with an out-of-state virtual education program shall:

(i) Verify that the out-of-state virtual education program provider is accredited by a regional accrediting agency;

(ii) Submit a program overview that describes general information such as the program's title, administrative contacts, and method(s) of delivery;

(iii) Provide the student with access to a Wyoming certified teacher to act as their instructional support to assist the student and monitor their progress throughout the duration of the course(s);

(iv) Ensure that the selected virtual education course(s) meets or exceeds:

(A) State and district standards for course content;

(B) State education program requirements established by W.S. § 21-9-101 and W.S. § 21-9-102; and

(C) Other necessary local and state requirements.

(v) Limit student participation to supplemental course registrations unless a waiver is approved by the Department to allow for full-time student enrollments; and

(vi) Verify the out-of-state virtual education program provider maintains optimal student to teacher ratios of no more than 25:1 and the instructor does not deliver more than six (6) course sections.

## **Section 5. WSN Renewal and Updates.**

(a) All virtual education program providers shall update course calendar information and verify the accuracy of all other course components each year. Updates to course participation requirements will not be accepted for active virtual education courses that have students currently enrolled.

(b) Any virtual education program provider may update any component of its WSN Program Application and submit it for evaluation.

(c) Any virtual education program provider may remove any course offering or its entire program from the WSN provided that none of the courses are active virtual education courses and the Department is immediately notified.

(d) The Department shall remove any virtual education program provider from the WSN if it loses accreditation or fails to comply with the policies outlined in these rules.

## **Section 6. Enrolling Students.**

(a) All virtual education course enrollments are initiated at the resident district, in accordance with W.S. § 21-13-330(g)(ii). The resident district shall have ten (10) business days to confirm the enrollment process and, if necessary, assign the student to a resident district school that provides an appropriate grade level instruction. A virtual education program provider shall not enroll or collect any student information the resident district's consent, which consent shall not be unreasonably withheld.

(b) The resident district shall verify that the prospective virtual education course(s) received by the student:

(i) Complies with and fulfills the educational programs established by W.S. §§ 21-9-101 and 21-9-102;

(ii) Has been approved by the Department;

(iii) Possesses information that can be used to track student progress through the course; and,

(iv) Meets the resident district's program and content standards.

(c) The resident district shall notify the virtual education program provider of the student's intent to register for any virtual education coursework. The virtual education program provider sets the last day for registration.

(d) The virtual education provider and resident district shall agree on and clearly outline a process concerning where and how to send information between the virtual education program provider and resident district in regard to the student's progress.

(e) Appropriate Wyoming Department of Education data collection policies shall be used to document all student enrollments into a virtual education program.

(f) As outlined in Section 12 of these rules, a signed Memorandum of Understanding (MOU) between districts for a portion of a pupil's education program shall be completed and on file at both districts.

(g) A district may allow a student whose custodial parent or guardian is on active military service, and leaves the state of Wyoming and whose custodial parent or guardian maintains Wyoming residency, to finish the remainder of the current school year in a Department approved virtual education program(s).

(h) A district may remove a student from its membership to participate in a full-time virtual education program offered by another Wyoming school district. In this instance, the

virtual education provider shall become the district in which the student is enrolled and shall:

- (i) Formally document the transfer and request of student records by sending written notification to the district in which the student was previously enrolled; and
- (ii) Immediately provide written notice to the district in which the student was previously enrolled if the student withdraws from the virtual education program.
- (iii) Assume all roles and responsibilities of the resident district outlined in these rules.

#### **Section 7. Department Responsibilities.**

- (a) The Department shall maintain, facilitate and monitor a state network of virtual education courses called the WSN that provides a consolidated guide of available virtual education programming opportunities.
- (b) The Department shall provide training and technical assistance to school districts for the delivery, review, and research of virtual education programming available on the WSN.
- (c) The Department shall provide current information and research regarding student and course accountability, virtual education pedagogy, professional development resources, and course delivery methods.
- (d) The Department shall provide a point-of-contact to track and monitor complaints, whereby concerned individuals, school or district personnel can receive needed assistance in resolving any issues resulting from the delivery of virtual education courses.

#### **Section 8. Additional Resident District Responsibilities.**

- (a) The resident district shall monitor the participating student's progress, in collaboration with the virtual education program provider, to ensure the student is actively engaged and completing the required course participation elements.
- (b) The resident district shall ensure each student participating in a virtual education program is evaluated, tested, and monitored at the same intervals as other students in their grade level and in accordance with the resident district's assessment policies.
- (c) In collaboration with the virtual education program provider, the resident district shall ensure that the needs of all students are met, including gifted and talented, at-risk students, and students with disabilities as outlined in Chapter 7 rules.

#### **Section 9. Additional Nonresident District Responsibilities.**

- (a) The nonresident district shall document that all teachers instructing virtual education courses in Wyoming are employed by a Wyoming school district, community college or the University of Wyoming. The employing institution is responsible for the authenticity of teacher credentials.



(b) The nonresident district shall ensure that the instructor does not teach more than six (6) course sections unless an exception is granted by the Department in accordance with the following:

(i) The Department may grant an exception to the limitation of six (6) sections on a case-by-case basis; and,

(ii) A request for an exception shall be made by the nonresident district in the manner and form directed by the Department.

**Section 10. Use of a Learning Management System: Data Collection and Reporting.**

(a) Any district that is a virtual education provider shall use a learning management system to administer, document, track, report and deliver virtual education courses.

(b) Any district that is a virtual education provider shall have the option of utilizing a centralized learning management system established by the Department. A district may instead elect to establish an individual or independent learning management system provided such system is capable of being used, and is used with regard to each Active Virtual Education Course, to administer, document, track, report and deliver virtual education courses. Any individual or independent learning management system must also be designed and operated such that appropriate personnel from the district in which any student participating in any virtual education course is enrolled are able to utilize the virtual education program provider's learning management system to monitor student progress and participation and to collect participation data, as needed, for purposes of state-required reporting.

(c) Any virtual education provider shall collect in a learning management system and report to the Department through the district's student information system or other Department-approved reporting system:

(i) Student participation rates based on the course-specific participation requirements approved by the Department;

(ii) Course completion rates and information for each course offered on the WSN;

(iii) Internal survey results if available; and

(iv) Reports required by the Distance Education Grant (DEG) outlined in Section 13 of these rules, to include:

(A) Total program costs;

(B) Expenditure of all DEG Program funding in the Special Revenue Fund using the appropriate accounting codes in the WDE601 – Annual District Report;

(C) Impact of the DEG Program on compliance with W.S. § 21-13-330; and

(D) Evaluation of the virtual education course(s) in addressing student needs.

(d) The Department shall:

(i) Monitor student virtual education enrollment and participation information;

(ii) Annually survey district superintendents concerning their virtual learning needs and instructional availability;

(iii) Annually survey the virtual education program providers administrators, instructors, and students concerning the quality and effectiveness of programming available through the WSN;

(iv) Compile Department survey results and present a summary reporting to the State Superintendent of Public Instruction and the Wyoming Legislature;

(v) Provide a summary of virtual education course(s) available on the WSN; and

(vi) Present a compilation report on the information collected from WSN virtual education program providers utilizing the DEG program.

#### **Section 11. Average Daily Membership.**

(a) Each student participating in virtual education, as defined in course-specific participation requirements approved by the Department, shall be included in the Average Daily Membership of the district in which the student is enrolled in accordance with the Department's Chapter 8 Rules and Regulations for the School Foundation Program.

(b) In accordance with W.S. § 21-13-330(g)(vii), Average Daily Membership shall only count for virtual education programs approved by the Department and received by school districts that are accredited by the State Board.

(c) Average Daily Membership for virtual education courses shall be based on student participation rather than attendance, as described in Section 14.

#### **Section 12. Memorandum of Understanding (MOU).**

(a) A signed MOU shall be:

(i) Used as the formal agreement between districts;

(ii) Initiated by the district providing a portion of a student's education;

(iii) In effect for a period of not more than twelve (12) consecutive months and with a start and end date that generally correspond to the school calendar; and

(iv) On file at both districts.

(b) The MOU shall consist of at a minimum:

(i) The identification of each district's point-of-contact to include first and last name, position/title, and contact information;

(ii) For each course, the cost to be paid by the district in which the student is enrolled to the district providing a portion of the student's education, to include how the amount is determined, due date(s), and method of payment;

(iii) Apportion the responsibility for ensuring that each student has access to the appropriate electronic equipment, connectivity, and resources needed to participate in the virtual education course(s);

(iv) A description of the process that will be used to ensure that the district in which the student is enrolled has access to the appropriate records and resources needed to monitor a student's participation in the virtual education course(s);

(v) A description of the educational support provided to the student(s) by the district in which the student is enrolled. This may include, but is not limited to:

(A) The access of resources at the district in which the student is enrolled;

(B) Required tutoring and/or mentoring services;

(C) Testing and assessment services to include a timeline or schedule appropriate to the instruction provided to the student(s);

(D) Academic counseling services;

(E) Library services;

(F) Extra curricular activities; and,

(G) Special needs requirements.

(vi) If the district in which the student is enrolled does not have qualified virtual education site coordinators, the MOU shall include:

(A) A description of the training required of the district's staff;

(B) Which district staff should attend the training;

(C) How the training will be provided; and,

(D) When the training should be completed.

(vii) A description of any training required of the student(s), how this training will be provided, and when it should be completed;

(viii) A statement ensuring that all records of the student(s) will be provided by the district in which the student is enrolled including any records of special education;

(ix) A conflict resolution policy; and,

(x) The signatures of each district's superintendent or designee, in accordance with district policies.

### **Section 13. The Distance Education Grant (DEG) Program.**

(a) The DEG shall be available to assist eligible virtual education program providers with developing virtual education course(s) available from the WSN.

(b) The DEG Program shall be available to Wyoming school districts, community colleges, and the University of Wyoming. The notice of the grant program, together with necessary application forms and program information, shall be provided to eligible applicants by May 1. Grants will be awarded no later than August 15 of the succeeding school year.

(c) The DEG Program shall be made available for:

(i) Necessary professional development requirements that align to the virtual education program provider's professional development plan as stated on the Instructor Accountability narrative. The applicant shall detail the origin of the professional development and rationale for selection, and itemized budget of how the funds will be expended

(ii) Program maintenance and operational needs. The applicant shall provide an itemized budget of how the funds will be expended on items such as, but not limited to, infrastructure needs, teacher incentives, and course design;

(iii) Accreditation requirements for virtual education program providers;

(iv) Program evaluation of core courses within the required statewide education program, components of the Success Curriculum required for participation in the Hathaway student scholarship program specified by W.S. § 21-16-1307, dual enrollment courses and advanced-placement courses. The applicant shall detail the origin of the evaluation, rationale for selection of the evaluator, and itemized budget of how the funds will be expended; and,

(v) Other program components necessary for sustainability if funds appropriated to the Department of Education permits.

(d) The priority of the DEG Program shall be available for the development and maintenance of virtual education programs that deliver core courses within the required statewide education program; components of the success curriculum required for participation in the Hathaway student scholarship program specified by W.S. § 21-16-1307; dual enrollment and advanced-placement courses.

(e) The evaluation and award of all DEG Program grants shall be conducted by the Department and external evaluators, using publically accessible rubrics. The evaluation of the grants shall be based on:

(i) The priority of the course(s) being offered and the intended uses of the funding;

(ii) The number of students estimated to participate in the virtual education course(s) based on a needs assessment or prior enrollment numbers;

(iii) Total program costs; and,

(iv) If applicable, historical student success in the virtual education course(s).

(f) Each grant recipient shall report to the Department by not later than August 1 of the succeeding school year:

(i) The expenditure of grant amounts awarded from the prior school year;

(ii) The number of students enrolled in the virtual education course(s) receiving grant assistance;

(iii) The number of students that successfully completed the virtual education program;

(iv) The impact of the grant assistance in compliance with W.S. § 21-13-330; and

(v) An evaluation of the virtual education course(s) in addressing student needs.

#### **Section 14. Participation.**

(a) Each virtual education course approved by the Department shall have clearly defined requirements for the participation of any student enrolled in the course. Such requirements shall establish expectations for student interaction with the virtual education course. They shall also be measurable, and recorded and verified by the teacher of record. Participation requirements shall be used by the districts and the Department, including for funding and accountability purposes, in lieu of attendance.

(b) Any district that is a virtual education provider shall be responsible for

documenting and recording in the learning management system used by the district, not less than once every ten (10) program days, the participation of any student enrolled in the course.

(c) For each course, the number of days any student is reported as having participated shall be based on the course-specific virtual education program calendar submitted to the Department.

(d) At the end of each school year, for purposes of determining membership, the number of days on which a student was reported as participating shall be the number of days in membership and must be converted to the number of days in the school calendar. The number of days in membership shall be divided by the number of regularly scheduled courses in the school in which the student is enrolled. The sum shall be the aggregate membership (e.g., if a student has one-hundred and seventy-five (175) days of virtual course participation and the school in which the student is enrolled offers eight (8) regularly-scheduled courses, the student's aggregate membership for the course would be 21.875).

(e) A district's documentation and recording of student participation in any virtual education course offered by the district shall be compiled in a participation report generated by a learning management system to include automatically recorded and teacher recorded elements. The participation report shall be generated at the administrative level and stored for future audit and monitoring purposes.

#### **Section 15. Assessment and Accountability.**

(a) Students enrolled in virtual education course(s) shall not be exempt from state or district assessments.

(b) Each student participating in a virtual education course(s) shall be subject to the Wyoming statewide assessments as required by W.S. § 21-2-304(a)(v); and the assessment shall be administered and monitored by a state-trained assessment administrator.

(c) Student performance, accountability, state and district assessment results, and accountability as required by W.S. § 21-2-204 shall be the responsibility of the district in which the student is enrolled.